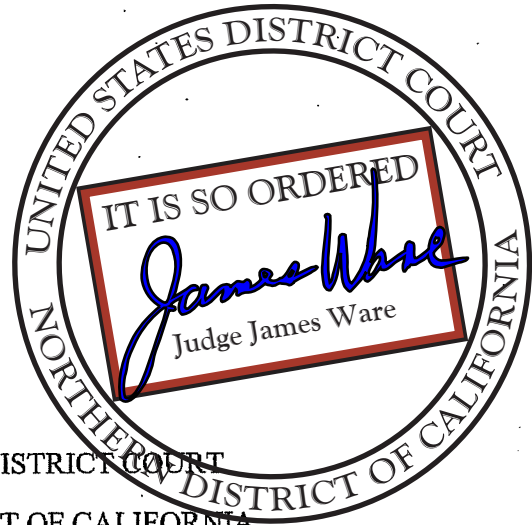


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6 FIBERTREK, INC.; LAWRENCE P. WAGNER;  
and JOHN G. PEERY



8 UNITED STATES DISTRICT COURT  
9 NORTHERN DISTRICT OF CALIFORNIA

10 SAN JOSE DIVISION

11 FIBERTREK, INC., a Nevada corporation;  
12 LAWRENCE P. WAGNER, an individual;  
and JOHN G. PEERY, an individual,

13 Plaintiffs,

14 v.

15 PREFERRED CORPORATE SERVICES,  
16 INC., a Colorado Corporation; DOUGLAS  
GREGG, an individual; TDG, LLC,  
17 a Colorado Limited Liability Company;  
NEIL SMITH, an individual and  
18 DOES 1-100, inclusive,

19 Defendants.

20 AND RELATED CROSS-ACTION

Case No. 5:08-CV-03415-JW

**STIPULATION OF PARTIAL DISMISSAL**

22 Pursuant to FRCP 41(a), IT IS HEREBY STIUPLATED by and between Plaintiffs, TDG,  
23 LLC, NEIL SMITH and all Cross-Defendants, by and through their designated counsel of record,  
24 as follows:


25 (1) Plaintiffs' First Amended Complaint is dismissed as to Defendants TDG, LLC and  
26 NEIL SMITH only, without prejudice to the filing by Plaintiffs of the stipulated judgment and  
27 enforcing any and all rights and remedies thereto pursuant to the agreement between the parties;

1 (2) NEIL SMITH'S Cross-Complaint is dismissed, with prejudice, as to all Cross-  
2 Defendants named therein;

3 (3) All parties to this Stipulation agree to bear their own costs and attorney's fees.

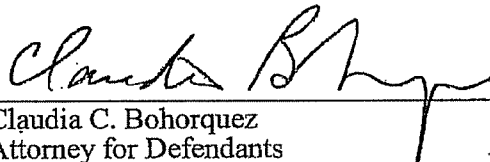
4 Dated: 4/1, 2010

BURKE, WILLIAMS & SORENSEN, LLP

5  
6 By:   
7 Douglas W. Dal Cielo  
8 Brian M. Affrunti  
9 Attorneys for Plaintiffs/Cross-Defendants  
FIBERTREK, INC.; LAWRENCE P. WAGNER;  
and JOHN G. PEERY

10 Dated: 3/31, 2010

LAW OFFICES OF CLAUDIA C. BOHORQUEZ

11  
12 By:   
13 Claudia C. Bohorquez  
14 Attorney for Defendants  
15 NEIL SMITH and TDG, LLC and Cross-  
Complainant NEIL SMITH

16 Dated: \_\_\_\_\_, 2010

LAW OFFICES OF ROBERT J. HUSTON III

17  
18 By: \_\_\_\_\_  
19 Robert J. Huston III  
20 Attorney for Cross-Defendants JAMES E.  
21 SHIPLEY; ASSET CAPITAL GROUP, INC.;  
22 CORPORATE SECURITIES, INC.; RUSSELL  
23 KIDDER; and GEORGE ROTH  
24  
25  
26  
27  
28

between the parties;

(2) NEIL SMITH'S Cross-Complaint is dismissed, with prejudice, as to all Cross-Defendants named therein;

(3) All parties to this Stipulation agree to bear their own costs and attorney's fees.

Dated: \_\_\_\_\_, 2010

BURKE, WILLIAMS & SORENSEN, LLP

By: \_\_\_\_\_

Douglas W. Dal Cielo  
Brian M. Affrunti  
Attorneys for Plaintiffs/Cross-Defendants  
FIBERTREK, INC.; LAWRENCE P. WAGNER;  
and JOHN G. PEERY

Dated: \_\_\_\_\_, 2010

LAW OFFICES OF CLAUDIA C. BOHORQUEZ

By: \_\_\_\_\_

Claudia C. Bohorquez  
Attorney for Defendants  
NEIL SMITH and TDG, LLC and Cross-  
Complainant NEIL SMITH

Dated: March 31, 2010

LAW OFFICES OF ROBERT J. HUSTON III


By: \_\_\_\_\_

Robert J. Huston III  
Attorney for Cross-Defendants JAMES E.  
SHIPLEY; ASSET CAPITAL GROUP, INC.;  
CORPORATE SECURITIES, INC.; RUSSELL  
KIDDER; and GEORGE ROTH

**\*\*\* ORDER \*\*\***

In light of this Stipulated Partial Dismissal, the Court VACATES the April 2, 2010 hearing on Order to Show Cause re: Settlement as to these settling parties. The Clerk of Court shall terminate the parties from the docket accordingly.

Dated: April 1, 2010

  
\_\_\_\_\_  
JAMES WARE  
United States District Judge